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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EU3C USA, INC.,

Plaintiff,
Counterclaim Defendant,

v.

AMERICAN MUSICAL SUPPLY, INC., &
RETAIL SOLUTIONS, LLC,

Defendants,
Counterclaim Plaintiffs.

Case No. CV-09-1789 JW (RS)

Proposed
STIPULATION AND [PROPOSED]
ORDER SELECTING MEDIATION

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

Private ADR (please identify process and provider) _____

The parties agree to hold the ADR session by:

the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

- other requested deadline: 90 days from the Court's ruling on Defendants' and Counterclaim-Plaintiffs' pending Motion to Strike Plaintiff's and Counterclaim-Defendant's Answer and Amended Complaint and Request for Entry of Default

Dated: 11/9/2009

/Kevin R. Martin/
Attorney for Plaintiff

Dated: 11/9/2009

/Joseph A. Hynds/
Attorney for Defendants

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

- 1 Non-binding Arbitration
- 2 Early Neutral Evaluation (ENE)
- 3 ✓ Mediation
- 4 Private ADR

5 Deadline for ADR session

6 90 days from the date of this order.

- 7 ✓ Other: 90 days from the Court's ruling on Defendants' and Counterclaim-Plaintiffs'
pending Motion to Strike Plaintiff's and Counterclaim-Defendant's Answer and
Amended Complaint and Request for Entry of Default

8 IT IS SO ORDERED.

9 Dated: December 3, 2009

James W. Hase
10 UNITED STATES DISTRICT JUDGE

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